

# MANDATE



W.D.N.Y. (Buffalo)  
07-cv-138  
Schroeder, M.J.

## United States Court of Appeals FOR THE SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 13<sup>th</sup> day of Apr. 1, two thousand nine,

Present:

Hon. Dennis Jacobs,  
Chief Judge,  
Hon. John M. Walker, Jr.,  
Hon. Pierre N. Leval,  
Circuit Judges.



Junior M. Ricketts,

Petitioner,

v.

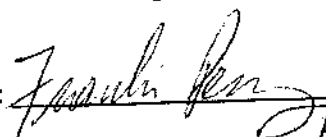
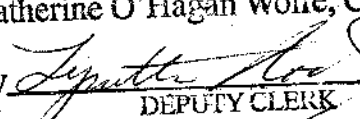
09-0339-pr

Charles Mule, Facilities Director, Buffalo Federal  
Detention Facility, et al.,

Respondents.

Petitioner, *pro se*, moves for leave to proceed *in forma pauperis* and for a certificate of appealability. Upon due consideration, it is hereby ORDERED that the motion for a certificate of appealability is DENIED as unnecessary. See *Drax v. Reno*, 338 F.3d 98, 106 n.12 (2d Cir. 2003) (holding that the 28 U.S.C. § 2253(c) certificate of appealability requirement does not apply to proceedings brought pursuant to 28 U.S.C. § 2241). It is further ORDERED that the motion for *in forma pauperis* status is DENIED and the appeal is DISMISSED because the appeal lacks an arguable basis in law or fact. See *Neitzke v. Williams*, 490 U.S. 319, 325 (1989); 28 U.S.C. § 1915(e).

FOR THE COURT:  
Catherine O'Hagan Wolfe, Clerk

By:   
A TRUE COPY  
Catherine O'Hagan Wolfe, Clerk  
by   
DEPUTY CLERK

SAO-MWG

ISSUED AS MANDATE: 5/4/09